

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
Case No. 4:22-CR-00071-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRIS D. KIRKMAN,

Defendant.

ORDER

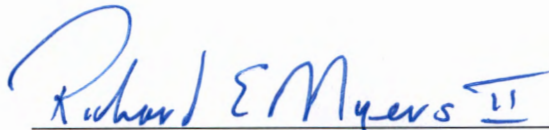
These matters come before the court on two letters filed in this case by Defendant asking the court to “reject, dismiss, or deny any motion that Damon Chetson files on [his] behalf” [DE 50] and informing the court that he seeks to “withdraw from [sic] the pro se motions that [he] filed” and he “would like for the motion that Damon Chetson filed to be canceled” so that he may “enter a conditional plea and get the 3-point deduction for acceptance of responsibility” [DE 51]. Currently pending before the court are a pro se motion to suppress (DE 40), a pro se motion to dismiss (DE 41) and a counseled motion to dismiss (DE 42); these motions are scheduled to be heard on December 11, 2023.

On November 29, 2023, this court ordered that Mr. Chetson confer with Defendant to confirm his position on the pending motions. Mr. Chetson filed a notice today informing the court that Defendant now states he “does not know” whether he wishes to withdraw the motions and “and would not be able to make up his mind until he personally addressed the Court.” DE 53.

Through the notice, the court has been reminded that, at his request, Defendant proceeds pro se in this case and that Mr. Chetson is acting as stand-by counsel for Defendant. As such, the court DIRECTS the Clerk of the Court to amend the case docket sheet reflecting that Defendant

proceeds pro se in this case and to file Defendant's letters as motions seeking relief from the court. In this posture, the court will address the letters as if initially filed properly as motions. Defendant's motions [DE 50, 51] are GRANTED, the pending motions [DE 40, 41, 41] are WITHDRAWN, and the hearing scheduled on December 11, 2023, is VACATED.

SO ORDERED this 1st day of December, 2023.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE